

IN THE MATTER OF MADELEINE BETH MCCANN

Judgement of Mrs Justice Hogg at the High Court, Family Division, RCJ, London,
7th July 2008, in open court

Madeleine went missing on 3 May 2007 just a few days before her 4th birthday, while she was holidaying with her family in the Algarve in Portugal.

On 17 May 2007 Madeleine's parents invoked the jurisdiction of this Court under the Inherent Jurisdiction of the Court, and The Child Abduction and Custody Act, and the Hague Convention. They sought various orders and directions aimed at ascertaining the whereabouts and recovery of Madeleine. I became involved with the proceedings shortly afterwards.

On 2 April 2008 Madeleine became a Ward of this Court, and since that date has remained a Ward.

At all times jurisdiction was assumed by the Court because, there being no evidence to the contrary, it is presumed Madeleine is alive.

She is a British Citizen, and like her parents habitually resident here.

The current application was made on 2 April 2008 by the parents seeking disclosure of information and documents from the Chief Constable of Leicestershire to assist them and their own investigations in their search for Madeleine. Such are the complexities of the issues involved other interested parties were invited and joined to the application, and directions given for the hearing today.

The parties have reached an accommodation whereby the Chief Constable will provide to Madeleine's parents contact details of members of the public who had themselves contacted the parents or their solicitors, and which on receipt were immediately passed to the Chief Constable, together with a brief resume of the information given.

The parents do not wish to pursue other aspects of the application, and save for the draft consent order being approved by this Court wish to withdraw their application and seek leave to do so.

I have no criticism of the parents in making this application. They have behaved responsibly and reasonably throughout.

I have considered the documents provided to this Court by the various parties, and have concluded that the agreement reached by the parties is entirely appropriate, and that the parents should be permitted to withdraw the balance of their application.

I will make the Order by Consent as sought. In particular paragraph 1 of the Order made on the 22 May 2007 shall be varied with the words:

"The terms of this paragraph shall not apply to the Chief Constable of Leicestershire or any other United Kingdom law enforcement agency. And for the avoidance of doubt all the evidence submitted to the Court and the Case Summaries and Skeleton Arguments remain confidential to the Court save that the Chief Constable may use his discretion to disclose his evidence, case summary and skeleton arguments filed in this Court and the Orders of 22 May 2007, 2 April 2008 and this Order. Any other documents and their contents are not to be disclosed to any person or published save in accordance with Orders already made by the Court or further Order of the Court".

It may be noted that neither of the Parents is present today. I let it be known last week that providing their legal team was fully instructed neither parent need be present, and I would not criticise or bear any ill-feeling towards them if they chose to stay away. It was my decision as they have suffered enough, and I wished to ease their burden.

I know the police authorities and other official law enforcement agencies in this country, in Portugal and elsewhere have striven and will continue to strive to trace Madeleine.

I urge anyone who has any information however small or tenuous to come forward now so that further enquiries can be made.

There is, of course, as least one person who knows what has happened to Madeleine, and where she may be found.

I ponder about that person: whether that person has a heart and can understand what it must be like for Madeleine to have been torn and secreted from her parents and siblings whom she loves and felt secure with, and whom no doubt misses and grieves for. Whether that person has a conscience or any feeling of guilt, remorse or even cares about the hurt which has been caused to an innocent little girl: whether that person has a faith and belief, and what explanation or justification that person will give to God.

I entreat that person whoever and wherever you may be to show mercy and compassion, and come forward now to tell us where Madeleine is to be found.

I hope and pray that Madeleine will be found very soon alive and well.

I confirm the Wardship and Madeleine will remain a Ward of Court until further Order of the Court. The case will be reserved to myself subject to my availability.